

SCHUMANN, HANLON LLC

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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

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RODSONGS, ROD TEMPERTON D/B/A	:	
RODSONGS, PERREN-VIBES MUSIC, INC.,	:	Civil Action
UNIVERSAL-POLYGRAM INTERNATIONAL	:	No.
PUBLISHING, INC., JOBETE MUSIC CO.,	:	
INC., J. ALBERT & SON (USA) INC.,	:	
JOBETE MUSIC CO., INC., BLACK BULL	:	
MUSIC, INC., WB MUSIC CORP., TAFARI	:	
MUSIC, INC., CONTROVERSY MUSIC M O B	:	
MUSIC PUBLISHING, GLADYS MUSIC ELVIS	:	<u>COMPLAINT</u>
PRESLEY ENTERPRISES LLC AND FRANK	:	
MUSIC CORP.,	:	
	:	
Plaintiffs,	:	
	:	
-against-	:	
	:	
CORNUCOPIA CRUISE LINE, INC. AND	:	
MUSTAFA KILIC,	:	
	:	
Defendants.	:	
	:	
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Plaintiffs, complaining of the Defendants, by SCHUMANN,
HANLON LLC, their attorneys, allege:

1. This is a suit for copyright infringement under
Title 17, U.S.C. Jurisdiction of this Court is based upon Title
28, U.S.C., Section 1338(a).

2. Plaintiffs allege twelve (12) causes of action for copyright infringement based on the Defendants' public performances of copyrighted musical compositions. SCHEDULE A annexed to the Complaint sets forth in summary form the allegations hereinafter made with respect to the Plaintiffs, their copyrighted musical compositions, and Defendants' acts of infringement.

3. Plaintiffs named in Column 2 (all references to columns are to columns in SCHEDULE A) are the owners of the copyrights in the works listed in Column 3, and are properly joined in this complaint under Rule 20, Fed. R. Civ. P.

4. Defendant Cornucopia Cruise Line, Inc. is a New Jersey corporation which did at the times hereinafter mentioned and still does own, control, manage, operate and maintain a cruise ship known as the "Cornucopia Princess," which sails from 300 Front Street, Perth Amboy, New Jersey. Cornucopia Cruise Line, Inc. operates and maintains the Cornucopia Princess, to provide, among other things, public entertainment, accommodation, amusement and refreshment for the passengers who sail on the Cornucopia Princess.

5. Upon information and belief, Defendant Mustafa Kilic is a resident of this District and, at all times hereinafter mentioned was and still is President of Defendant Cornucopia Cruise Line, Inc., with primary responsibility for the control, management, operation and maintenance of the affairs of

said corporation. The acts hereinafter complained of were done with his active assistance, cooperation, acquiescence and procurement, and he derives financial benefit therefrom.

6. Musical compositions were and are publicly performed as part of the entertainment regularly provided for the passengers on the Cornucopia Princess.

7. The original musical compositions listed in Column 3 were created and written by the persons named in Column 4.

8. The compositions named in causes of action 1, and 3 through 12 were published on the dates stated in Column 5, and since the dates of publication have been printed and published in strict conformity with Title 17, U.S.C.

9. The compositions named in causes of action 2 and 3 were registered as unpublished compositions on the dates stated in Column 5.

10. The Plaintiffs named in each cause of action, including their predecessors in interest, if any, complied in all respects with Title 17, U.S.C., and secured the exclusive rights and privileges in and to the copyright of each composition listed in Column 3, and received from the Register of Copyrights a Certificate of Registration, identified as set forth in Column 6.

11. The compositions for which there are entries in Columns 7 and 8 are now in the renewal term of copyright, secured by due filing of an application for renewal of copyright in the

office of the Register of Copyrights. The Register of Copyrights thereupon issued Certificates of Registration of the respective claims to the renewal of copyrights in the names of those claimants listed in Column 7. The dates and identification numbers of such certificates are set forth in Column 8.

12. Defendants on the dates specified in Column 9, and upon information and belief, at other times prior and subsequent thereto, infringed the copyright in each composition named in Column 3 by giving public performances of the compositions on the Cornucopia Princess for the entertainment and amusement of the passengers aboard said ship, and Defendants threaten to continue such infringing performances.

13. The performances of the Plaintiffs' copyrighted musical compositions on the dates specified in Column 9 on Defendants' premises were unauthorized: neither Defendants, nor any of the Defendants' agents, servants or employees, nor any performer was licensed by, or otherwise received permission from any Plaintiff or any agent, servant or employee of any Plaintiff to give such performances.

14. In undertaking the conduct complained of in this action, Defendants knowingly and intentionally violated Plaintiffs' rights. Defendants' knowledge and intent are established by the following facts:

by due filing of an application for renewal of copyright in the office of the Register of Copyrights. The Register of Copyrights thereupon issued Certificates of Registration of the respective claims to the renewal of copyrights in the names of those claimants listed in Column 7. The dates and identification numbers of such certificates are set forth in Column 8.

12. Defendants on the dates specified in Column 9, and upon information and belief, at other times prior and subsequent thereto, infringed the copyright in each composition named in Column 3 by giving public performances of the compositions on the Cornucopia Princess for the entertainment and amusement of the passengers aboard said ship, and Defendants threaten to continue such infringing performances.

13. The performances of the Plaintiffs' copyrighted musical compositions on the dates specified in Column 9 on Defendants' premises were unauthorized: neither Defendants, nor any of the Defendants' agents, servants or employees, nor any performer was licensed by, or otherwise received permission from any Plaintiff or any agent, servant or employee of any Plaintiff to give such performances.

14. In undertaking the conduct complained of in this action, Defendants knowingly and intentionally violated Plaintiffs' rights. Defendants' knowledge and intent are established by the following facts:

(a) Defendants have not sought or obtained a license agreement from Plaintiffs or the American Society of Composers, Authors and Publishers (ASCAP), a performing rights licensing organization of which all Plaintiffs are members.

(b) Despite numerous letters and other contacts by ASCAP representatives informing the Defendants of their liability under the United States Copyright Law, Defendants have continued to perform copyrighted music without permission during the hours that the Cornucopia Princess is operating and presenting musical entertainment for their passengers.

(c) The many unauthorized performances of copyrighted musical works given as part of the entertainment for the passengers aboard the Cornucopia Princess include the performances of the twelve copyrighted musical compositions upon which this action is based.

15. At the times of the acts of infringement complained of, the Plaintiff named in each cause of action was the owner of the copyright in the composition therein named.

16. The said wrongful acts of the Defendants have caused and are causing great injury to the Plaintiffs, which damage cannot be accurately computed, and unless this Court restrains the Defendants from the further commission of said acts, said Plaintiffs will suffer irreparable injury, for all of which the said Plaintiffs are without any adequate remedy at law.

WHEREFORE, Plaintiffs pray:

I. That Defendants and all persons acting under the direction, control, permission or authority of Defendants be enjoined and restrained permanently from publicly performing the aforementioned compositions or any of them and from causing or permitting the said compositions to be publicly performed in Defendants' said premises, or in any place owned, controlled or conducted by Defendants, and from aiding or abetting the public performance of such compositions in any such place or otherwise.

II. That Defendants be decreed to pay such statutory damages as to the Court shall appear just, as specified in 17 U.S.C. § 504(c)(1), namely, not more than Thirty Thousand Dollars (\$30,000) nor less than Seven Hundred And Fifty Dollars (\$750) in each cause of action herein.

1	2	3	4	5	6	7	8	9
Columns								
Cause of Action	Plaintiff	Musical Composition	Writers	Date of Publication	Certificate of Registration Number	Renewal	Renewal Certificate Date and Number	Date of Known Infringement
1.	RODSONOS	THRILLER	ROD TEMPERTON	11/24/82	PA 162-442			2/16/08
2.	ROD TEMPERTON D/B/A RODSONOS	ALWAYS AND FOREVER	ROD TEMPERTON	REGISTERED AS UNPUBLISHED 12/27/76 EU 741564		RODOR MUSIC (LONDON) LTD EMPLOYER FOR HIRE OF ROD TEMPERTON "PROPRIETOR OF COPYRIGHT IN A WORK MADE FOR HIRE"	12/31/03 RE 890-885	2/16/08
3.	PERREN-VIBES MUSIC, INC. AND UNIVERSAL-POLYGRAM INTERNATIONAL PUBLISHING, INC.	SHAKE YOUR GROOVE THING	DINO FEKARIS FREDDIE PERREN	1/29/79 REGISTERED AS UNPUBLISHED 8/21/78 PAU 40-650	PA 41-105			2/16/08
4.	JOBETE MUSIC CO., INC.	GIVE IT TO ME BABY	RICK JAMES (A/K/A JAMES AMEROSIE JOHNSON, JR.)	4/7/81	PA 112-976			2/16/08
5.	J. ALBERT & SON (USA) INC.	YOU SHOOK ME ALL NIGHT	ANGUS YOUNG MALCOLM YOUNG BRIAN JOHNSON	CONTAINED IN ALBUM "AC/DC - BACK IN BLACK" 7/25/80	PA 77-985			2/16/08
6.	JOBETE MUSIC CO., INC. AND BLACK BULL MUSIC, INC.	DO I DO	STEVIE WONDER (A/K/A STEVLAND MORRIS)	5/4/82	PA 138-211			2/16/08

SCHEDULE "A"

1	2	3	4	5	6	7	8	9
Cause of Action	Plaintiff	Musical Composition	Writers	Date of Publication	Certificate of Registration Number	Renewal	Renewal Certificate Date and Number	Date of Known Infringe- ment
7.	WB MUSIC CORP.	GONNA MAKE YOU SWEAT (A/K/A EVERYBODY DANCE NOW)	ROBERT CLIVILLES FREDERICK B. WILLIAMS	12/18/90	PA 520-228			2/16/08
8.	TAFARI MUSIC, INC.	ELECTRIC BOOGIE (A/K/A ELECTRIC SLIDE)	NEVILLE LIVINGSTON	7/29/83	PA 195-000			2/16/08
9.	CONTROVERSY MUSIC	KISS	PRINCE ROGERS NELSON (A/K/A PRINCE)	2/5/86	PA 284-474			2/16/08
10.	M O B MUSIC PUBLISHING	CHA CHA SLIDE	MARVEL THOMPSON	9/15/99	PA-1-204-600			2/16/08

SCHEDULE "A"

Columns	1	2	3	4	5	6	7	8	9
Cause of Action	Plaintiff	Musical Composition	Writers	Date of Publication	Certificate of Registration Number	Renewal	Renewal Certificate Date and Number	Date of Known Infringement	
11.	GLADYS MUSIC ELVIS PRESLEY ENTERPRISES LLC	CAN'T HELP FALLING IN LOVE	GEORGE WEISS HUGO PERETTI LUIGI CREATORE	12/11/61	EP 153445	GEORGE DAVID WEISS AND LUIGI CREATORE, AS "CO-AUTHORS AND CO-COMPOSERS"; JUNE PERETTI, AS "WIDOW OF THE CO-AUTHOR AND CO-COMPOSER, HUGO PERETTI"; KATHERINE A. REITMAUER AND VALENTINA PERETTI, AS "CHILDREN OF THE DECEASED CO-AUTHOR AND CO-COMPOSER, HUGO PERETTI".	1/3/89 RE 415-211	2/17/08	
12.	FRANK MUSIC CORP.	UNCHAINED MELODY	HY ZARET ALEX NORTH	2/10/55	EP 87321	HY ZARET, AS "AUTHOR OF WORDS"; ALEX NORTH, AS "AUTHOR OF MUSIC".	1/6/83 RE 151-142	2/17/08	

SCHEDULE "A"

III. That Defendants be decreed to pay the costs of this action and that a reasonable attorney's fee be allowed as part of the costs.

IV. For such other and further relief as may be just and equitable.

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By /s/ David K. DeLonge
David K. DeLonge (DD 9662)

Dated: September 15, 2008